

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION



**THERESA FORTENBERRY and  
TRALVIS FORTENBERRY D/B/A  
CARING HANDS PERSONAL CARE HOME**

**PLAINTIFF**

**vs.**

**Civil Action No. 1:16-cv-320 LG-RHW**

**CITY OF WIGGINS, MISSISSIPPI**

**DEFENDANT**

**ORDER APPROVING SETTLEMENT AGREEMENT  
AND DISMISSING CASE WITH PREJUDICE**

THIS MATTER came before the Court on the *ore tenus* motion of the parties after having announced their settlement of all claims pending herein and the Court having heard from counsel and having considered the terms of the settlement and being otherwise fully advised in the premises finds as follows:

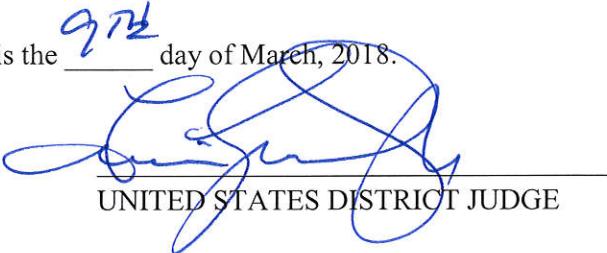
1. That Defendant, City of Wiggins, Mississippi (Defendant), has agreed to pay to Plaintiffs, Theresa and Tralvis Fortenberry (Plaintiffs), the total sum of \$40,000 payable in four equal installments of \$10,000 each, the first installment payable on April 1, 2018 with subsequent installments payable on the first day of April in 2019, 2020 and 2021; and
2. That as each \$10,000 payment becomes due, Defendant shall pay \$5,000 to Rushing & Guice, PLLC, P.O. Box 1925, Biloxi, MS 39533 and \$5,000 to Theresa and Tralvis Fortenberry, 101 S. Kern Drive, Gulfport MS 39503.
3. That Plaintiffs shall deliver to Defendant a full and final release in the premises; and
4. That Defendant is a municipality, a political subdivision of the State of Mississippi, and that it is necessary to approve the aforementioned settlement with a court order in order to insure that said settlement is binding and enforceable against subsequent governing boards of Defendant.

IT IS THEREFORE ORDERED AND ADJUDGED that the Settlement Agreement reached between Plaintiff and Defendant as referenced herein is hereby approved. It is further ORDERED AND ADJUDGED that this case is DISMISSED WITH PREJUDICE. It is further

ORDERED AND ADJUDGED that the Court retains jurisdiction until April 1, 2021 to enforce the terms of the settlement. It is further

ORDERED AND ADJUDGED that the Clerk of Court is directed to mark this case as CLOSED.

SO ORDERED AND ADJUDGED this the 9/12 day of March, 2018.

  
UNITED STATES DISTRICT JUDGE

SUBMITTED BY:

/s/ MARIA MARTINEZ  
MARIA MARTINEZ  
Mississippi Bar #9951  
RUSHING & GUICE, P.L.L.C  
P.O. BOX 1925  
BILOXI MS 39533-1925  
Voice: 228-374-2313 Fax: 228-875-5987  
mmartinez@rushingguice.com

APPROVED AS TO FORM AND CONTENT

/s/ NICHOLAS VAN WISER  
NICHOLAS VAN WISER  
MISSISSIPPI BAR #7339  
BYRD & WISER  
P. O. BOX 1939  
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nwiser@byrdwiser.com

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